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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMY HARRINGTON, on behalf of herself) and all others similarly situated,) Plaintiff,) vs.) MATTEL, INC., a Delaware Corp., and) FISHER-PRICE, INC., a Delaware Corp.,) and DOES 1 through 100, inclusive,) Defendants.) <hr style="width: 50%; margin-left: 0;"/>	CIV. NO. 07-5110 (MJJ) NOTICE OF MOTION AND MOTION TO REMAND; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF JULIO RAMOS IN SUPPORT OF REMAND Date: December 11, 2007 Time: 9:30 a.m. Dept.: Courtroom 11 CLASS ACTION
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TO DEFENDANTS MATTEL, INC., AND FISHER-PRICE, INC. AND THEIR ATTORNEYS OF RECORD, NOTICE IS HEREBY GIVEN: that on December 11, 2007 at 9:30 a.m. or as soon thereafter as counsel may be heard by the above-entitled Court, located at United States District Court, Northern District of California, 450 Golden Gate Ave., San Francisco, California, in courtroom 11 of the Honorable Martin J. Jenkins, Plaintiffs will and hereby do move the Court for remand of the original Harrington v. Mattel, Inc. et. al., CGC-07-466376, filed on August 20, 2007 and assigned to San Francisco Superior Court Judge John E. Munter for all purposes. This case was originally filed on August 20, 2007. This motion is brought pursuant to 28 U.S.C. Section 1447, on the grounds that Mattel, Inc. has failed to sustain its ³ preponderance of the evidence⁴ burden that the requirements for original jurisdiction in this federal court have been met. The primary defendant in this action Mattel Inc., has its principal place of business in California and the controversy falls under the

1 an exception to the Class Action Fairness Act. Therefore, the federal court does not have
2 subject matter jurisdiction over this case. Plaintiffs seek attorney's fees against Defendant and
3 its attorneys, pursuant to 28 U.S.C. Section 1447(c) on the ground that Defendants have no
4 reasonable basis for removing the case.

5 This motion is based on this Notice, the attached Memorandum of Points and Authorities,
6 the attached Declaration of Julio Ramos, the pleadings and papers on file herein, and upon such
7 other matters as may be presented to the Court at the time of the hearing.

8 Dated: November 5, 2007

9 Respectfully submitted,

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